

**PLANNING COMMISSION AGENDA (REVISED)**  
**CITY OF NEWPORT BEACH**  
**COUNCIL CHAMBERS - 3300 NEWPORT BOULEVARD**  
**Thursday, April 19, 2012**  
**Regular Meeting – 6:30 p.m.**

**MICHAEL TOERGE**  
Chair

**BRADLEY HILLGREN**  
Vice Chair

**FRED AMERI**  
Secretary

**TIM BROWN**  
**KORY KRAMER**  
**JAY MYERS**  
**LARRY TUCKER**

Planning Commissioners are citizens of Newport Beach who volunteer to serve on the Planning Commission. They were appointed by the City Council by majority vote for 4-year terms. At the table in front are City staff members who are here to advise the Commission during the meeting. They are:

**KIMBERLY BRANDT, Community Development Director**

**BRENDA WISNESKI, Deputy Community  
Development Director**

**LEONIE MULVIHILL, Assistant City Attorney    TONY BRINE, City Traffic Engineer**

**NOTICE TO THE PUBLIC**

Regular meetings of the Planning Commission are held on the Thursdays preceding second and fourth Tuesdays of each month at 6:30 p.m. Staff reports or other written documentation have been prepared for each item of business listed on the agenda. If you have any questions or require copies of any of the staff reports or other documentation, please contact the Community Development Department, Planning Division staff at (949) 644-3200. The agendas, minutes, and staff reports are also available on the City's web site at: <http://www.newportbeachca.gov>.

This Commission is subject to the Ralph M. Brown Act. Among other things, the Brown Act requires that the Commission's agenda be posted at least 72 hours in advance of each meeting and that the public be allowed to comment on agenda items before the Commission and items not on the agenda but are within the subject matter jurisdiction of the Commission. The Commission may limit public comments to a reasonable amount of time, generally either three (3) or five (5) minutes per person.

It is the intention of the City of Newport Beach to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant of this meeting, you will need special assistance beyond what is normally provided, the City of Newport Beach will attempt to accommodate you in every reasonable manner. Please contact Leilani Brown, City Clerk, at least 72 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible (949-644-3005 or [lbrown@newportbeachca.gov](mailto:lbrown@newportbeachca.gov)).

If in the future, you wish to challenge in court any of the matters on this agenda for which a public hearing is to be conducted, you may be limited to raising only those issues, which you (or someone else) raised orally at the public hearing or in written correspondence received by the City at or before the hearing.

**APPEAL PERIOD:** Use Permit, Variance, Site Plan Review, and Modification Permit applications do not become effective until 14 days following the date of approval, during which time an appeal may be filed with the City Clerk in accordance with the provisions of the Newport Beach Municipal Code. Tentative Tract Map, Tentative Parcel Map, Lot Merger, and Lot Line Adjustment applications do not become effective until 10 days following the date of approval, during which time an appeal may be filed with the City Clerk in accordance with the provisions of the Newport Beach Municipal Code. General Plan and Zoning Amendments are automatically forwarded to the City Council for final action.

**NEWPORT BEACH PLANNING COMMISSION AGENDA (REVISED)**  
**Council Chambers – 3300 Newport Boulevard**  
**Thursday, April 19, 2012**  
**REGULAR MEETING**  
**6:30 p.m.**

**A. CALL TO ORDER**

**B. PLEDGE OF ALLEGIANCE**

**C. ROLL CALL**

**D. PUBLIC COMMENTS**

*Public comments are invited on non-agenda items generally considered to be within the subject matter jurisdiction of the Planning Commission. Speakers must limit comments to three (3) minutes. Before speaking, please state your name for the record and print your name on the tablet provided at the podium.*

**E. REQUEST FOR CONTINUANCES**

**F. CONSENT ITEMS**

**ITEM NO. 1** Minutes of April 5, 2012

**ACTION:** Approve and file.

**G. PUBLIC HEARING ITEMS**

**ALL TESTIMONY GIVEN BEFORE THE PLANNING COMMISSION IS RECORDED. SPEAKERS MUST LIMIT REMARKS TO THREE (3) MINUTES ON ALL ITEMS.** (Red light signifies when three (3) minutes are up; yellow light signifies that the speaker has one (1) minute left for summation.) Please print only your name on the pad that is provided at the podium.

Any writings or documents provided to a majority of the Planning Commission regarding any item on this agenda will be made available for public inspection in the Community Development Department, Planning Division located at 3300 Newport Boulevard, during normal business hours.

**ITEM NO. 2** Newport Place Affordable Housing Amendment - (PA2011-215)  
Area generally bound by MacArthur Boulevard, Jamboree Road, Birch Street, and Bristol Street North.

**SUMMARY:** Amendment to the Newport Place Planned Community Development Plan (PC-11) to implement Housing Programs 3.2.2 and 3.2.3 found in the 2008-2014 Housing Element. The amendment would permit residential development that includes a minimum of 30 percent of the units affordable to lower-income households with the approval of a Site Development Review. Developments meeting this criteria will also be eligible for a waiver of the minimum 10-acre site area required. The amendment would also establish minimum development regulations including building height, setbacks, and parking requirements.

**CEQA**

**COMPLIANCE:** A Negative Declaration (SCH No. No. 2011091088) was prepared for the 2008-2014 Housing Element, which includes Housing Programs HP3.2.2 and 3.2.3, in accordance with the implementing guidelines of the California Environmental Quality Act (CEQA), State CEQA Guidelines, and City Council Policy K-3. The document was made available for public review and comment during a 30-day review period from September 30 to October 31, 2011 and subsequently adopted by the City Council on November 22, 2011. The document is on file with the Community Development Department. A subsequent negative declaration for the project is not required to be prepared pursuant to CEQA Guidelines Section 15162 because the proposed amendment implements Housing Programs HP3.2.2 and 3.2.3, and does not constitute "substantial changes" that would involve new significant environmental effects or result in the

adoption of mitigation measures. Future residential development that could occur pursuant to the proposed amendment would be subject to further site-specific environmental evaluations.

- ACTION:**
- 1) Conduct public hearing; and
  - 2) Adopt the draft resolution recommending City Council adoption of the Newport Place Planned Community Development Plan Amendment.

**ITEM NO. 3**                      Newport Banning Ranch - (PA2008-114)  
5200 West Coast Highway

**SUMMARY:**                      A proposed planned community on a 401.1 acre project site for development of 1,375 residential dwelling units, a 75-room resort inn and ancillary resort uses, 75,000 square feet of commercial uses, approximately 51.4 acres of parklands, and approximately 252.3 acres of permanent open space.

**CEQA COMPLIANCE:**                      An Environmental Impact Report (EIR) SCH No. 2009031061 to evaluate the environmental impacts resulting from the proposed project. The EIR has been prepared in accordance with the California Environmental Quality Act of 1970 (CEQA), as amended (Public Resources Code Section 21000 et seq.), and the State CEQA Guidelines for Implementation of CEQA (California Code of Regulations, Title 14, Section 15000 et seq.).

- ACTION:**
- 1) Conduct public hearing; and
  - 2) Adopt Resolution No. \_\_\_\_ (Attachment PC 1) recommending to the City Council approval of General Plan Amendment No. GP2008-008, Code Amendment No. CA2008-004, Planned Community Development Plan No. PC2008-002, Master Development Plan No. MP2008-001, Tentative Tract Map No. NT2008-003, Affordable Housing Implementation Plan No. AH2008-001, and Traffic Study No. TS2008-002 and recommending to the City Council the adoption of a Statement of Overriding Considerations; and
  - 3) Continue the public hearing to May 3, 2012 to consider the Development Agreement (DA2008-003).

## **H. NEW BUSINESS**

### **I. STAFF AND COMMISSIONER ITEMS**

**ITEM NO. 4**                      Community Development Director's report.

**ITEM NO. 5**                      Announcements on matters that Commission members would like placed on a future agenda for discussion, action, or report.

**ITEM NO. 6**                      Request for excused absences.

## **ADJOURNMENT**